

File



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,246	12/21/2001	Steve L. Flenniken	07844-519001	6663

21876 7590 04/08/2004
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA
MINNEAPOLIS, MN 55402

EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 04/08/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,246

Applicant(s)

FLENNIKEN ET AL.

Examiner

LINH BLACK

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. In the abstract, after the first paragraph, " 30074457.doc" is found. Correction is required.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "forming a path specifying the location of the second electronic file" is not clear. The step(s) or how to form a path is not clearly defined in the specification. The limitation "forming a path specifying the location of the second electronic file" of claim 2 seems to contradict with the limitation "searching for a second electronic document purported to be specified by a second path" in claim 1 because the second electronic document purported to be specified by the second path and the should have been existed in order for the second electronic document to be searched. Since the limitation specified above is not clear, therefore the meets and bounds of the invention cannot be ascertained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweet et al. (USP 6415278), and further in view of Pentonen et al. (USP 5890147).

4. As per independent claims 1 and 3, Sweet et al. (USP 6415278) teach:

“retrieving a first electronic document located in a reference directory specified by a first path” – the abstract; col. 5, lines 21-22; col. 8, lines 29-32; col. 16, lines 40-41.

“searching for a second electronic document purported to be specified by a second path” - col. 1, lines 60-67; col. 4, lines 47-52 (“accessing an external document when a hypertext link is selected by a user from the displayed first document”); col. 5, lines 19-30. Applicants’ example of directory paths is in figure 3. However, Sweet et al. do not explicitly suggest: “if the second electronic document is not located at the second path, continue searching in a directory higher than the reference directory”. Pentonen et al. teach: “Scope testing of documents in a search engine using documents to folder mapping” – the title. Pentonen et al. teach “the use of the document's path to determine scope and rapidly fill cache” – col. 11, lines 35-36. Pentonen et al. also teach if the document is not located in the path, continue searching in the higher directory of the path – col. 11, line 60 to col. 12, line 16; fig. 14. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sweet et al.’s teaching with Pentonen et al.’s teaching in order to efficiently and effectively locate the document within the document’s path by continue to search for the document within the document path instead of returning no result as the file is not found at the first search.

5. As per claims 2 and 4, Applicants do not explicitly teach step(s) or how the limitation: forming a path that specifies the location of the second electronic component is done in the specification. Sweet et al. teach a path that specifies the location of the second electronic component – col. 1, lines 45-67; col. 4, lines 46-67. Sweet et al. do not explicitly suggest the path including a drive designation and one or more directories. However, Pentonen et al. teach: “for each located document, the full path of the document’s folder is created in memory” – col. 1, lines 62-63. Pentonen et al. teach the path including a drive designation and one or more directories – fig. 14; col. 4, lines 1-7; col. 7, lines 51-67; col. 11, line 60 to col. 12, line 16. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sweet et al.’s teaching with Pentonen et al.’s teaching in order for a search process to be performed by searching on the specified path with specified drives and directories effectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 703-305-0317. The examiner can normally be reached on Monday-Thursday from 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, for Before Final communications: 703-746-7239, and for After Final communications: 703-746-7238.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

A handwritten signature in black ink that reads "Linh Black". The signature is written in a cursive, flowing style.

LINH BLACK
Patent Examiner
Art Unit 2177